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10/830,098	04/23/2004	Tomomichi Obara	1081.1201	7523
21171 7590 08/18/2010 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
VU, TUAN A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/830,098

Applicant(s)

OBARA ET AL.

Examiner

TUAN A. VU

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7-9, 11, 13 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7-9, 11, 13, 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the Applicant's response filed 7/12/10.

As indicated in Applicant's response, claims 1, 11 have been amended. Claims 1, 3, 7-9, 11, 13, 17-19 are pending in the office action, all other claims canceled.

### Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 12 of U.S. Patent No. 7,131,577 (hereinafter '577) in view of Drummond et al, USPN: 7,025,255.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observations. Following are but a few examples as to how the certain claims from the instant invention and from the above copending application are conflicting with each other.

**As per instant claim 1**, '577 claim 5 also recites Web server and performing guide display, transaction operation including a display unit, a plurality of I/O units, a control unit controlling the guide display of the screen content according to object embedded in said screen

content from the Web server, wherein the control unit calls method and controls sequence of said plurality of I/O units for said method; wherein said control unit calls up a method for 'each processing controlling the synchronization of said plurality of I/O units according to the script ... synchronization of said plurality of I/O units'. '577 Claim 5 recites interpreting a applet tag of an embedded object, which might not be identical to instant claim 1 reciting of 'interpreting a script of said object embedded in said screen content ... calls up a method for each processing ... controlling synchronization' even though '577 does not explicitly recite: *wherein said browser ... calls up ... method program defined by each processing of said transaction..., said method program issuing said I/O command to said plurality of I/O controllers for controlling a synchronization of said plurality of I/O units designated by said method program and receiving a reply from said plurality of I/O units.*

Using a browser to interpret a content via interpreting script tag that embeds method call that invoke objects to perform I/O operations via sending commands and receiving returned data is disclosed in Drummond (col. 10 line 15 to col. 11 line 12) where screen guide tag includes embedding of script objects and method calls thereof; i.e. whereby to invoke additional applets that effectuate communication control and synchronization. One of ordinary skill in the art would recognize that '577 claim 5 does contain an obvious language variation of instant claim 1 from above via '577 interpreting a tag of a applet interpreting a embedded object in said screen content, and would be motivated to apply a browser interpreting of script as taught in Drummond to effectuate synchronization of I/O as mentioned in '577 from above for calling the methods of objects or applet embedded in script so that browser parsing a screen creation program described a HTML form enables interpretation of tags as taught in '577.

**As per instant claim 11**, this claim corresponds to instant claim 1, while '577 claim 12 corresponds to '577 claim 5; hence, '577 claim 12 would be an obvious variant of instant claim 11, based on the analysis as set forth above.

4. Claims 1, 11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 12 of copending Patent Application No. 11,103,450 (hereinafter '450) in view of Drummond et al, USPN: 7,025,255. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observations.

**As per instant claim 1**, '450 claim 3 also recites Web server and performing guide display, transaction operation including a display unit, a plurality of I/O units, a control unit controlling the guide display of the screen content according to object embedded in said screen content from the Web server; wherein said control unit calls up a method for *controlling* said plurality of I/O units by the script embedded in said screen content, said unit comprising a browser which interprets said script in processing units of the operation for synchronously controlling said I/O units. '450 does not recite: *wherein said browser calls up ... method program defined by each processing of said transaction..., said method program issuing said I/O command to said plurality of I/O controllers for controlling a synchronization of said plurality of I/O units designated by said method program and receiving a reply from said plurality of I/O units.*

However '450 claim 3 recital of "calls up a method of an applet for controlling said I/O unit ... by the script embedded in said screen content" 'synchronously suggests the 'synchronization' and calling a method of applet inside a tag content of page of instant claim 1.

Based on Drummond's teaching of browser interpreting tag content and invoking commands in conjunction with *applets* to convey data between I/O and user interface (see col. 10 lines 27 to col 11 line 12) one of ordinary skill in the art would recognize that '450 does contain an obvious language variation of instant claim 1 in terms of '450 claim 3's processing a embedded object of script in screen content so as to provide said *controlling* so that I/O operate synchronously and would be motivated to use a browser and a creation program as taught in Drummond from above for calling the methods of objects or applet embedded in script in terms that the browser parses a screen creation program described a HTML form enables interpretation of tags as taught in '577.

**As per instant claim 11**, this claim corresponds to instant claim 1, while '450 claim 12 corresponds to '450 claim 3; hence '450 claim 12 would be an obvious variant of instant claim 11, based on the analysis as set forth above.

### ***Claim Objections***

5. Claims 1, 11 are objected to because of the following informalities: the phrase recited as 'defined by processing of said transaction operation' appear to be hard to construe form of English construct. The Disclosure discloses 'defined' in terms of Agent applet defined for a operation, not *defined by processing of* a transaction operation (see text related to Fig. 3, Fig. 8). The informality is treated as a mere objection to English usage but would become a 112, 1<sup>st</sup> para. Rejection type if no correction is made. For merits, the above phrase will be treated as though the programs are defined for use in processing ATM operations. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 7-9, 11, 13, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Drummond et al, USPN: 7,025,255 (hereinafter Drummond).

**As per claim 1**, Drummond discloses an automatic transaction apparatus for communicating with a Web server (HTTP server – Fig. 5-6; server 134 – Fig 25) and performing guide display and a transaction operation according to an operation of a user (Fig. 25, 27-28), comprising:

a display unit for performing said guide display(e.g. screen 30 – Fig. 2-3, 23-24; Fig. 28-31 – Note: display with integrated event listener via browser/user interface – see touch screen 30, browser 76, interface 32, Fig. 2 -- reads on guide display where graphical event-based activities guide the user with underlying and coordinated of object/code invocations to operate on the related interface units – interfaces, card reader cash dispenser, printer, Fig. 2);

a plurality of I/O units for performing said transaction operation (see I/O 36, Fig. 2) and comprising at least a cash processing unit, a medium handling unit, a user input unit and a card processing unit (e.g. interfaces 36 – Fig. 2-3; card reader, cash dispenser. touch screen, browser script, device in. software, keyboard depository – Fig. 5-6; Fig. 28); and

a control unit for controlling the guide display of the screen of said display unit (e.g. touch screen 30, browser 76, interface 32, Fig. 2; browser 76 -Fig. 23) according to a screen

content from said Web server (e.g. *HTML documents that are received* - col. 10 line 28 to col. 11 line 12), and controlling said plurality of I/O units according to an applet tag (e.g. col. 38 lines 19-25 – Note: tagged HTML with directors implemented as embedded handlers, each associated with a Java applet or JVsript, and invoked by a backstage manager – see Fig. 25-26; java script - col. 45 lines 25-27 – reads on applet tag or embedded script object) and script embedded in said screen content (applets 86, Javascript 82, Java program 70, SW interface 66, Fig. 2; Fig. 29-30; Fig. 39 to Fig. 54; col. 10 line 28 to col. 11 line 12; java applets, Javascript - Fig. 3-24), wherein said control unit comprises:

a plurality of I/O controllers, each I/O controller controlling a corresponding one of said I/O units according to a type of I/O command (applets 86, Javascript 82, Java program 70, sw interface 66, Fig. 2; Fig. 29-30; Fig. 39 to Fig. 54; col. 10 line 28 to col. 11 line 12; col. 9 lines 25-58; *terminal directors* – col. 48 lines 17-30 – Note: terminal directors -- col. 38 lines 19-25 -- with applet class – col. 10 lines 52-61, col. 11 lines 8-12 - to handle transaction based on HTML document to realize withdrawal or account transfer reads on I/O controller and Java beans/applet commands); and

a browser receiving said screen content (see touch screen 30, browser 76, interface 32, Fig. 2; col. 10 lines 28-61) and having a plurality of method programs, defined by processing of said transaction operation, each of which synchronously controls said plurality of I/O units (e.g. Java applets - col. 10 line 50 to col. 11 line 12 – Note: applet defined executable method being invoked in conjunction with card reader or keyboard **read on** method programs defined per processing of a operation to synchronously control to the I/O units – see col. 11 lines 8-12),



wherein said browser interprets said screen content from said Web server and performs said guide display (col. 38 lines 19-25; Fig. 25-26), and interprets said script and said applet tag embedded in said screen content (col. 10 line 28 to col. 11 line 12; col. 24 line 27-62) and calls up one of said method programs in correspondence to each processing of said transaction operation (e.g. col. 10 line 50 to col. 11 line 12; terminal directors - col. 38 lines 19-25; col. 48 lines 17-30; *group of applets ... loading programs ... address values on the terminal software* - col. 22 lines 24-44),

each called method program issuing I/O commands to said plurality of I/O controllers, synchronously controlling said plurality of I/O units designated by said called method program, and receiving a reply from said plurality of I/O units (col. 10 line 28 to col. 11 line 12 – Note: method being invoked pertain to constructs inside javascript – JVsript commands or embedded applets - of HTML which serve as guide or creation program; that is, the method pertinent to more bean/applets - col. 48 lines 18-41 - responsible for control and communication between user and I/O units and controls -- see javascript, Java applet - col. 24 line 27-55; col 45 line 20 to col 46 line 4 –from parsing script constructs to invoking underlying applets to effectuate I/O operations – e.g. col. 22 lines 24-44; card reading, instructs lower device to deliver card data or to print a receipt - **read on** synchronizing of I/O devices, including controlled issue commands and responses - col. 9 lines 25-58; col. 13 line 52 to col. 14 line 42).

**As per claim 3**, Drummond discloses wherein said control unit transmits a request to said Web server according to a post request (*message ... to print a customer's receipt* - col. 24 line 27-62; col. 37 lines 3-18; *script ... backstage applet ... make requests .. available servers* - col.

38 lines 64 to col. 39, line 42; Fig. 5; col. 13, lines 40-51; col. 14, lines 3-10) by said method program called up method (refer to claim 1 for bean/applet Java method; col. 24 line 27-62).

**As per claim 7**, Drummond discloses wherein said control unit specifies said plurality of I/O units for which synchronization is controlled by said method program according to input parameters attached to said script (e.g. *HTML document ... address data and/or other parameters* - col. 26, lines 27-41; . *embedded Java script instructions ... cause dispense of currency* - Fig. 11 and related text – Note: instructions prompting user to enter PIN or to get dispensed currency reads on specifying which I/O unit under control by the underlying embedded Java Script calls or applet/bean or Java program methods).

**As per claims 8-9**, Drummond discloses wherein said browser creates said guide display screen by a screen creation program described by a page description language (col. 38 lines 19-25 – Note: tagged HTML with directors implemented as embedded handlers, each associated with a Java applet or JVsript, and invoked by a backstage manager – see Fig. 25-26; java script - col. 45 lines 25-27 – reads on description language page; col. 17 line 64 to col. 18 line 15; col. 20, line 55 to col. 21 line 3; col. 13 lines 56-65) of said screen content, calls up said method program (refer to claim 1) and controls the synchronization of said plurality of I/O units (refer to claim 1);

wherein said browser creates said guide display screen calls up the corresponding method program (refer to claim 1) by interpreting the script (col. 24 line 27-62; *HTML document ... embedded Java script... Java applet* – col. 13 lines 56-65; col. 27, lines 45-48) and applet tag and controls the synchronization of said plurality of I/O units (refer to claim 1)

**As per claim 11**, Drummond discloses an automatic transaction system comprising: a Web server; and an automatic transaction apparatus which is connected to said Web server via a network for communicating with said Web server and performing guide display and a transaction operation according to an operation of a user, wherein said automatic transaction apparatus comprises:

a display unit for performing said guide display; a plurality of I/O units for performing said transaction operation and comprising at least a cash processing unit, a medium handling unit, a user input unit and a card processing unit; and

a control unit for controlling the guide display of the screen of said display unit according to a screen content from said Web server, and controlling said plurality of I/O units according to an applet tag and script embedded in said screen content, wherein said control unit comprises:

a plurality of I/O controllers, each I/O controller controlling a corresponding one of said I/O units according to a type of I/O command; and

a browser receiving said screen content and having a plurality of method program, defined by processing of said transaction operation, each of which synchronously controls said plurality of I/O units,

wherein said browser interprets said screen content from said Web server and performs said guide display, and interprets said script and said applet tag embedded in said screen content and calls up one of said method programs in correspondence to each processing of said transaction operation,

each called method program issuing I/O commands to said plurality of I/O controllers, synchronously controlling said plurality of I/O units designated by said called method program, and receiving a reply from said plurality of I/O units;

all of which having been addressed in claim

**As per claims 13, 17-19**, these claims correspond to claims 3, 7-9, respectively; hence will be addressed via incorporating the corresponding rejections set forth therein

***Response to Arguments***

8. Applicant's arguments filed 7/12/2010 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

**USC § 102(e) Rejection**

(A) Applicants have submitted that Drummond's synchronization via message and alleged execution of applets would be much higher level than the claimed invention (Applicant's Remarks pg. 7 bottom). It is not acknowledged as to which part of the claim language (the very language provided actually prosecuted in the previous Office Action) exhibits the requirement that synchronization would be executed by program or methods implemented at a lower than application method/bean or call inside a script or a applet of the Browser, which represents Drummond's approach as proffered in the Office Action. The argument is not convincing because it cannot match a) a prior teaching with b) a language recited in the previous action in order to show evidence of discrepancies between a) and b). It is assumed that since the argument refers to a newly added limitation, the argument is considered largely moot.

(B) Applicants have submitted that the invention is geared towards faster processing and that there is no layer between command via the method programs and the I/O (Applicant's Remarks

pg. 8 middle). It is recognized that the above is devoid of arguments showing where a cited portions in Drummond distinguish over a very claim construct being presented in the Previous Office Action.

In all, the arguments are either inconclusive or moot in view of Applicant's reference to a newly added claim language. The claims will stand rejected as set forth in the Office Action.

#### ***Interview Summary***

9. Applicants' representative, Mr Gollhofer, was contacted on 8/9—8/12/10 in order for the Examiner to present way to amend the claims, in accordance to some novel aspects proffered in the Applicants' Remarks (e.g. no layers between command and controllers), so that maybe (emphasis added) these features can be claimed and/or put forth and help one with possible determination on allowable subject matter. But no agreement was reached.

#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

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Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

August 16, 2010